

REMARKS/ARGUMENTS

Reconsideration of the present application as amended is respectfully requested.

Claims 1-7 and 10-16 remain in this application. Claims 3 and 7 have been allowed. Claims 8 and 9 have been canceled. Claims 10-16 have been added by this Amendment.

To put those Claims in better form, Claims 1-6 have been amended by removing the reference numerals and by changing "characterized in that" to "wherein."

Allowed Claims 3 and 7 have also been amended to put them in better form by eliminating unnecessary reference to the alkali or halide ions.

In the Office action Claims 1, 2, 4, 5, 6 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,479,065 (Sugimoto). (Claim 9 is not listed as rejected as anticipated by Sugimoto, but the explanation on page 4 of the Office action indicates that this is the case.)

In response, Claims 8 and 9 have been canceled. Applicant respectfully requests reconsideration of the rejection of independent Claims 1 and 4.

Sugimoto was cited at col. 3, line 5 as disclosing a wall load of at least 30 W/cm² in a lamp with a filling of rare gas mercury and halides of tin and indium. The Examiner further cited Sugimoto as disclosing that the filling further consists essentially of an alkali metal halide with at least one alkali ion and at least one halide ion, the alkali ion being chosen from the group formed by potassium rubidium and cesium (Table 1, line 3), and the halide for being chosen from the group formed by chlorine, bromine and iodine (Table 1).

Sugimoto, however, discloses and suggests only a filling of about 20 mg mercury, argon gas at 300 Torr at room temperature and metal halide additives shown in Table 1 (col. 3, lines 52-54). Table 1 lists tin bromine and indium bromine - halides of tin and indium as in the present invention. The remaining components of the fill listed in Table 1 of Sugimoto are 1.0 mg, of dysprosium bromine, 0.37 mg of dysprosium iodine and 0.125 mg of cesium iodine.

Applicant respectfully submits that the remaining components listed in Table 1 cannot be said to make up a filling further consisting essentially of an alkali metal

halide with at least one alkali ion and at least one halide ion, said alkali ion being chosen from potassium, rubidium and cesium and the halide ion being chosen from chlorine, bromine and iodine, as recited in Claim 1.

The sentence at col. 3, lines 55-56 of Sugimoto makes it clear that Table 1 lists the mixture of additives to the arc tube fill. (That sentence reads "Atomic percent of bromine to halogen in arc tube 16 is about 86.6%.") Because cesium iodine is only about 8% by weight of the remaining mixture of 1.0 mg of dysprosium bromine, 0.37 mg of dysprosium iodine and 0.125 mg of cesium iodide, the lamp fill disclosed in Sugimoto cannot be said to further consist essentially of an alkali metal halide with at least one alkali ion and at least one halide ion, said alkali ion being chosen from the group formed by potassium, rubidium, and cesium, and the halide ion being chosen from the group formed by chlorine, bromine, and iodine, as recited in Claim 1.

As discussed above with regard to Claim 1, Sugimoto also does not disclose or suggest the filling further consisting essentially of an alkali metal halide with at

least one alkali ion and at least one halide ion, said alkali ion being chosen from the group formed by potassium, rubidium, and cesium, and the halide ion being bromine, as recited in Claim 4.

Applicant respectfully submits that Claims 1 and 4 are patentable and that Claims 2, 5 and 6, which depend from Claim 1 are patentable at least based on their dependency.

Claims 10-12 which depend from allowed Claim 3 and Claims 13-15, which depend from allowed Claim 7, have been added to clarify the present invention.

New Claim 16, which recites a lamp in which during operation of the lamp, the temperature of a major portion of the wall is greater than 800°C, has been added to provide Applicant with protection commensurate in scope with the invention disclosed. Applicant respectfully submits that Claim 16 is patentable for, at least, the reasons discussed above with respect to Claims 1 and 4.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Appl. No. 09/709,265
Amdt. dated April 19, 2004
Reply to Office action of January 20, 2004

If any informalities remain, the Examiner is requested
to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any
overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

By Frank Keegan
Frank Keegan, Reg. 50,145
Attorney
(914) 333-9669
April 19, 2004